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Paper 27

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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Patent Interference No. 105,170

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**SRL, K.K.**  
(09/101,132),  
Junior Party,

**FAXED**

v.

**FEB 4 - 2004**

**CEDARS-SINAI MEDICAL CENTER**  
(08/981,998),  
Senior Party.

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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**ORDER**  
**(DEFERRING TO FURTHER PROSECUTION ACTION  
ON CEDARS MISCELLANEOUS MOTION 1  
and TRANSFERRING INTERFERENCE)**

Cedars moves (Paper 26) unopposed to amend its specification to note National Institutes of Health support for and United States government interests in the invention. The amendment will not further a decision on priority between the parties, so no action will be taken by the Board. A copy of the motion and of this order will, however, be entered into the record of Cedars' 08/981,998 application in case allowable claims survive this interference. The motion is also interpreted as an amendment pursuant to 37 C.F.R. § 1.602 to Cedars' statement of real party-in-interest (Paper 4). It is vital that parties keep such statements current since, in this case, the designation of an NIH interest requires recusal of one Trial Section administrative patent judge.

This interference is being transferred to Administrative Patent Judge Jameson Lee. 37 C.F.R. § 1.610(b). Addendum 1 of Paper 1 regarding the heading for papers is modified to substitute "Lee" for "Torczon".

ORDER

It is:

ORDERED that Cedars' miscellaneous motion 1 be DEFERRED to future prosecution before an examiner;

FURTHER ORDERED that a copy of Cedars' miscellaneous motion 1 (Paper 26) and of this order (Paper 27) be entered in the application file of Cedars' 08/981,998 application;

FURTHER ORDERED that the United States government, via the National Institutes of Health, be listed as one of Cedars' real parties-in-interest;

FURTHER ORDERED that all further filings in this interference be directed to Administrative Patent Judge Lee; and

FURTHER ORDERED that Addendum 1 of Paper 1 regarding the heading for papers be modified to substitute "Lee" for "Torczon".

Entered: 4 February 2004

  
RICHARD TORCZON  
Administrative Patent Judge

cc (via facsimile):

For SRL: **Gerald M. Murphy, Jr., Raymond C. Stewart, and Kecia J. Reynolds** of BIRCH STEWART KOLASCH & BIRCH (Fax: 703-205-8050).

For Cedars-Sinai Medical Center:<sup>1</sup> **Coe A. Bloomberg and Jerrold B. Reilly** of JONES DAY (Fax: 213-243-2539).

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<sup>1</sup> The United States government, via the National Institutes of Health, has rights in the invention.